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Message Text

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ORIGIN OES-06

INFO OCT-01 ARA-06 ISO-00 L-03 CG-00 DOTE-00 SNM-02 DEAE-00

INSE-00 TRSE-00 CIAE-00 INR-07 NSAE-00 DODE-00 IO-13

JUSE-00 PM-04 NSC-05 SP-02 SS-15 VO-03 SCA-01 SY-05

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DRAFTED BY OES/OFA/FA:LNSCHOWENGERDT:ZC
APPROVED BY ARA/PAN:ENADEAU
L/M:NELY
DOJ:MSTEINS
ARA/AND - MR. COX
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O 192048Z OCT 76
FM SECSTATE WASHDC
TO AMEMBASSY PANAMA IMMEDIATE
INFO AMEMBASSY BOGOTA IMMEDIATE

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E.O. 11652:N/A

TAGS: PFOR, SNAR, PN, CO

SUBJECT:PANAMANIAN M/V DON EMILIO

REFERENCES: (A) PANAMA 7093; (B) STATE 256478; (C) STATE
255266 NOTAL
1. SUBJECT VESSEL SHOULD NOW ARRIVE MIAMI AFTERNOON OF OCTOBER 19 UNDER TOW BY U.S. COAST GUARD CUTTER SHERMAN. CONTAMINATED FUEL ABOARD SUBJECT EFFECTIVELY PRECLUDED OPTION OF TAKING VESSEL ANYWHERE EXCEPT NEAREST SAFE U.S. PORT. BRINGING VESSEL INTO U.S. PORT RAISES SOME POTENTIAL PROBLEMS, DISCUSSED BELOW, WHICH MAY REQUIRE JOINT RESOLUTION BETWEEN U.S. AND GOP.

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2. COAST GUARD REPORTS NOW INDICATE QUANTITY OF MARIJUANA

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ABOARD VESSEL MAY BE AS MUCH AS 180 TONS, AS WELL AS SOME HASHISH. AS YET, NO COCAINE HAS BEEN FOUND. UPON ARRIVAL IN PORT, APPROPRIATE U.S. AUTHORITIES WILL CONDUCT A THOROUGH AND VERY DETAILED SEARCH OF THE VESSEL -- WHICH REALLY CANNOT BE DONE AT SEA -- TO ESTABLISH ACTUAL QUANITITIES OF DRUGS AND TO SEARCH FURTHER FOR SUSPECTED COCAINE AS IS CUSTOMARY IN CASES OF THIS TYPE. SUCH A SEARCH MAY TAKE SEVERAL DAYS.

3. DRUG ENFORCEMENT ADMINISTRATION NORMALLY DESTROYS ALL CONTRABAND NARCOTICS EXCEPT THAT AMOUNT REQUIRED BY AUTHORITIES AS EVIDENCE IN ANY PROSECUTION OF CASE AFTER INVENTORY, PHOTOGRAPHING AND OTHER APPROPRIATE DOCUMENTATION.

4. INS WILL ASSUME CUSTODY OF VESSEL PERSONNEL AND WILL MOST LIKELY DESIRE TO REMOVE THEM TO NEARBY DETENTION CENTER FOR SAFEKEEPING AS VESSEL DOES NOT PROVIDE SATISFACTORY FACILITIES FOR ADEQUATE SEPARATION AND SECURITY.

5. BUREAU OF CUSTOMS WILL ASSUME CUSTODY OF VESSEL PENDING RESOLUTION OF CASE.

6. THESE ARE TEMPORARY ARRANGEMENTS TO GET US PAST THE FIRST DAYS, UNTIL WE CAN SORT OUT SOME OF THE PROBLEMS WHICH SEEM TO BE ARISING. IN ORDER OF DISCUSSION BELOW, THEY ARE: WHICH NATION HAS BEST CASE TO PROSECUTE; THE PROBLEM OF EXTRADITION; THE DISPOSAL OF THE VESSEL, ITS CONTRABAND, AND CARGO; AND THE DISAPPEARANCE OF OLIVERO SANTOS.

7. WHICH NATION HAS BEST CASE TO PROSECUTE: CAN GOP BRING CHARGES UNDER PANAMANIAN LAW AGAINST THE MASTER, ALL OR PART OF THE CREW AND THE VESSEL IN REM? IF SO, AND IF EXTRADITION IS REQUIRED IN ORDER TO TRANSFER CUSTODY OF THE PERSONNEL, WE WILL NEED TO KNOW WHAT SPECIFIC CHARGES CAN BE BROUGHT. THE PERSONNEL ARE MOSTLY OF COLOMBIAN CITIZENSHIP, EXCEPT FOR THE STOWAWAYS. IT APPEARS THE CARGO CAME FROM COLOMBIA, AND THE VESSEL APPEARS TO BE REGISTERED IN PANAMA. THE GOC MAY ALSO BE LIMITED OFFICIAL USE

INTERESTED IN PROSECUTION.

8. THE PROBLEM OF EXTRADITION: THE 1905 US/GOP EXTRADITION TREATY DOES NOT SPECIFICALLY COVER NARCOTICS CRIMES. WHEN READ TOGETHER WITH THE 1961 SINGLE CONVENTION ON NARCOTICS, EXTRADITION FOR NARCOTICS CHARGES ALONE MAY NOT PERMIT EXTRADITION FOR CERTAIN NARCOTICS OFFENSES. WE DO NOT KNOW WHAT OFFENSES OF PANAMANIAN LAW

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ARE INVOLVED. OUR EXTRADITION TREATY WITH COLOMBIA DOES PROVIDE FOR EXTRADITION ON SUBSTANTIVE NARCOTICS CHARGES.

9. DISPOSAL OF THE VESSEL/CONTRABAND/CARGO: AS NOTED ABOVE, DEA PROPOSES TO DESTROY THE CONTRABAND EXCEPT AS REQUIRED FOR EVIDENCE. THE VESSEL AND ITS LEGITIMATE CARGO MAY BE TURNED OVER TO THE GOP AFTER COMPLETION OF DETAILED SEARCH UNDER APPROPRIATE PROCEDURES, BUT AT THIS POINT THE VESSEL CANNOT MOVE UNDER ITS OWN POWER. MOST

LIKELY THE FUEL TANKS WILL HAVE TO BE CLEANED AND THE VESSEL REFUELED. AS A TEMPORARY MEASURE, THE VESSEL WILL BE MOORED AT THE U.S. COAST GUARD BASE IN MIAMI.

10. DISAPPEARANCE OF OLIVERO SANTOS: OLIVERO SANTOS WAS ONE OF THE STOWAWAYS. HE CLAIMED DOMINICAN REPUBLIC CITIZENSHIP, WAS COOPERATIVE, ACTING AS AN INTERPRETER BETWEEN ENFORCEMENT OFFICERS AND SHIP'S CREW, WAS PRESENT SUNDAY NIGHT AND MONDAY MORNING. AN INVESTIGATION WILL BE CONDUCTED INTO HIS DISAPPEARANCE. FOUL PLAY IS SUSPECTED. THIS INVESTIGATION COULD TAKE A FEW DAYS AND WILL INVOLVE QUESTIONING OF THE CREW.

11. IN SUM, WE HAVE MANY INFORMATIONAL GAPS AND PROBLEMS IN THIS CASE. WE NEED TO KNOW THE GOP'S DESIRES. THE EMBASSY IS REQUESTED TO BRIEF THE GOP ON THE ABOVE ISSUES AND ADVISE. WE ARE KEEPING THE GOP EMBASSY HERE INFORMED. ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, DON EMILIO M/V, INTERGOVERNMENTAL COOPERATION, DRUG SEIZURES
Control Number: n/a
Copy: SINGLE
Draft Date: 19 OCT 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE258698
Document Source: CORE
Document Unique ID: 00
Drafter: LNSCHOWENGERDT:ZC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760392-0685
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761036/aaaabeur.tel
Line Count: 143
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 PANAMA 7093, 76 STATE 256478
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 20 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 JUL 2004 by izenbei0>; APPROVED <27 OCT 2004 by coburnhl>
Review Markings:

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US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PANAMANIAN M/V DON EMILIO
TAGS: PFOR, SNAR, PN, CO
To: PANAMA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006